

CITY OF DENHAM SPRINGS
MUNICIPAL FIRE AND POLICE CIVIL SERVICE BOARD
RULES AND REGULATIONS

RULE I

MEETING OF THE BOARD

- SECTION 1: The board shall hold one regular meeting within each quarterly period of the calendar year, in the months of January, April, July, and October. The board shall hold such special meetings as may be called by the chairman or as provided in Act 282 of 1964, herein after referred to as the Civil Service Act (Revised Statute 33:2531 and those that follow).
- SECTION 2: Unless otherwise provided in the notice for such meetings, all meetings shall be held in the Meeting Room at the Denham Springs City Hall.
- SECTION 3: Notice of all regular meetings, shall be given by posting such notice in the city hall, not less than five (5) days before the date fixed for such meeting, unless otherwise provided by law. Such notice shall state the date the time, place, and agenda to be covered, and whether said meeting is regular or special, provided that upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda. Any such matter shall be identified in the motion to take up the matter not on the agenda with reasonable specificity, including the reason for the addition to the agenda, and entered into the minutes of the meeting. Prior to any vote on the motion to take up a matter not on the agenda, there shall be an opportunity for the public to comment on any such motion in accordance with (RS: 42:5 or 5.1)
- SECTION 4: Special meetings of the board will be held only upon call of the chairman, or in his absence the Vice-chairman, or as provided by Louisiana Civil Service Act 282 of 1964.
- SECTION 5: All board meetings shall be open to the public, except when the board meets in executive session as provided by Revised Statute 42:4:1, and those statutes that follow.
- SECTION 6: All board members must be notified not less than five (5) days preceding all regular board meetings.
Special meetings may be held upon twenty-four

hour notice, as provided by law.

SECTION 7: Four members of the board must be present to constitute a quorum of the board. Concurring votes of three members are necessary for decision of all matters before the board.

RULE II

SUBJECT MATTER OF MEETINGS

SECTION 1: At regular meetings of the board it shall consider all old and new business which may be brought to its attention in the manner hereinafter provided.

SECTION 2: At special meetings the board shall consider only those items of business for which the meeting was called, except upon unanimous approval of the members present at the meeting, other matters may be considered.

RULE III

ORDER OF BUSINESS

SECTION 1: At regular meetings the order of business shall be as follows:

1. Reading of the minutes
2. Special and general reports
3. Decisions and orders on matters considered at previous hearings and meetings.
4. New business.

SECTION 2: At special meetings the order of business shall be as follows:

1. Reading of minutes
2. Decisions and orders on matters considered at previous hearings and meetings
3. Hearing of matters previously fixed for the special meeting.

RULE IV

EXECUTIVE SESSIONS

SECTION 1: The board, if required, will meet in executive session during regular or special meetings, by

two-thirds vote when considering executive, and those matters which may be discussed under provisions of Revised Statute 42:6.1 (relative to exceptions to open meetings). Any voting on matters discussed in executive sessions will be conducted upon return to public meeting.

RULE V

APPLICATION FOR APPEALS AND HEARINGS

SECTION 1: Any person authorized to appeal to the board under the provisions of the Civil Service Law may apply for such an appeal by a written notice giving a clear and concise statement of the action complained against, the basis of the appeal, and the relief sought. Application for appeals to the board under the provisions of Section 2561 of the Civil Service Act shall be made only by regular employees in the classified service and shall be limited to matters involving discharge, corrective or disciplinary action and the application shall so state. All other request for hearings shall set forth the section of the Civil Service Act under which the application is brought and shall contain a statement of the jurisdiction of the board. All applications for appeals and other hearings must be signed by the applicant or his counsel, if any, and must give the full name and post office address of the appellant and of his counsel. Written notice shall be filed with the chairman of the board or the board official so designated to receive such applications.

SECTION 2: No appeal shall be effective unless the above stated notice is filed within fifteen (15) calender days following the action complained against, or where written notice is given of an action to be thereafter effective, within the fifteen (15) days following the date on which such notice is given.

SECTION 3: The secretary of the board shall cause the date of filing to be noted on each notice of appeal and shall file said appeal on the appeals docket, giving the said appeal an appropriate title.

RULE VI

PROCEDURE ON APPEALS

- SECTION 1: All hearings on appeals shall be open to the public.
- SECTION 2: Parties shall have the right, but shall not be require, to be represented by counsel. When any party is represented by more than one attorney, only one attorney for any party shall be permitted to examine the same witness. Parties shall also have the right to be assisted by a representative of his/her Fire or Police Union.(Louisiana Revised Statutes 40:2531.4 or 33:2181.B.4)
- SECTION 3: The rules of evidence as applied in civil trials before the courts of this state need not be strictly complied with, but the board shall limit evidence to matters having a reasonable relevance to the issues before the board. The burden of proof, as to the facts, shall be on the appointing authority except in those cases where the employee alleges discrimination based on political or religious beliefs, sex or race.
- SECTION 4: Parties and witnesses shall be subject to cross-examination as in civil trials. The board looks with favor upon stipulations of undisputed facts. The appointing authority shall be first to present evidence and testimony followed by the evidence and testimony of the appellant. Board members may ask questions of witnesses.
- SECTION 5: The board may, on request of any party or on its own motion, sequester witnesses other than the appellant and the appointing authority, by rule of the board, and thus exclude them from the hearing room.
- SECTION 6: Any party desiring the issuance of a subpoena for the attendance of a witness or the production of books or papers must apply for appropriate order in writing to the board at least eight (8) days before the time fixed for the hearing. Such application shall state the purpose of the subpoena and what evidence or testimony is sought by the issuance of the subpoena. A subpoena service fee of \$5.00 will be required for any additional subpoena requested after the first (5) five.
- SECTION 7: The written rules, regulations, and procedures of the civil service board and Louisiana Civil Service Act 282 of 1964 will be the basis of all hearings and appeals.

RULE VII**DISMISSAL OF APPEALS**

SECTION 1: If the appellant fails to appear at the place and time fixed for any hearing, his appeal may be dismissed or the board may, in its discretion, continue the case or proceed with the hearing and render its decision upon such evidence as may be adduced at the hearing.

RULE VIII**TRANSCRIPTS OF HEARINGS**

SECTION 1: If any party to the hearing desires a permanent transcript of the hearing, the party shall furnish a court reporter for said purpose at their own expense. Where a court reporter is furnished, the first copy of the original transcript shall be filed with the board and shall become part of the permanent record of the appeal. Where no court reporter is furnished, the secretary of the board shall maintain as complete notes as is feasible and the board will issue a written finding of fact.

RULE IX**OTHER HEARINGS**

SECTION 1: All other hearings of the board shall be instituted and shall be conducted in accordance with the above and foregoing rules and Civil Service Law in general.

RULE X**APPLICATION FOR ADMISSION TO TEST**

SECTION 1: Test for entry upon promotional and competitive employment list shall be advertised for and administered in accordance with Section 2552 of the Civil Service Act. Test for entrance upon competitive employment list may be given as the needs of the service require, as determined by the civil service board. Test for entry upon promotional employment list may be given as the needs of the service require and shall be given at least one time during each successive period of eighteen months.

- SECTION 2: Applications for admission to tests on board approved forms, will be received by those individuals designated by the board at any time before final date for receiving applications. Approved applicants will be notified at least five (5) days in advance of the date fixed for the exam. Individuals designated to receive applications will forward such applications to the board secretary and shall be kept as a permanent record of the board in accordance with Civil Service Act.
- SECTION 3: Promotional and competitive employment lists shall be maintained by the board for eighteen (18) months.
- SECTION 4: Admission to tests shall be governed by provisions of Section 2553 of the Civil Service Act, and the qualifications requirements of the classification plan. In the event of a demonstrated need for an eligibility list, the board may waive any requirements in the classification plan in order to establish a qualified pool of applicants for testing; provided such requirements are waived in increments. A demonstrated need is established when an active provisional appointment exists in the classification to be tested and it is anticipated that an adequate list cannot be established under existing rules.
- SECTION 5: When results of any examination are furnished to the board by the State Examiner, the chairman shall forthwith call the board for a special meeting for approval thereof. Employment lists shall become effective upon approval of and by a majority of the board and filing of the same by the board with the State Examiner.

RULE XI

DISTRIBUTION OF BOARD RULES

- SECTION 1: A copy of the board rules shall be distributed to each board member, governing body one (1) copy, police and fire chief one (1) copy, police and fire bulletin boards one (1) copy, and State Examiner one (1) copy.
- SECTION 2: A copy of the board rules shall be given on request to an appellant or his counsel prior to a hearing.

RULE XII**LEAVES OF ABSENCE AND BOARD RULES****SECTION 1: Leaves of Absence-Police and Fire****A. Leaves of absence are classified as follows:**

1. Leave of absence with pay
2. Leave of absence without pay
3. Absence without leave and pay. Absence without leave and pay (AWOL) occurs when an employee does not receive permission to take time off and is in a non-approved and non-pay status. Any employee who is absent without leave and pay shall be subject to disciplinary action, up to and including termination.

B. Sick leave:

1. Each full time employee of the classified service shall accrue sick leave at the following rate:

Three (3) hours per payroll period.

- a. Fire department employees covered by the Fair Labor Standards Act 7K Plan (27 day pay period) shall earn sick leave at the rate of 4.5 hours per payroll period to compensate for increased work hours.
- b. Police department employees covered by the Fair Labor Standards Act 7K Plan (14 day pay period) shall earn sick leave at the rate of 3.15 hours per payroll period to compensate for increased work hours.

SECTION 2: Sick leave shall not be used for absences incurred because of attendance to personal affairs. Any employee on sick leave is required to diligently pursue full recovery and any activity which is contrary to this endeavor may be basis for disciplinary action.

SECTION 3: Sick leave is applicable to maternity claims. Maternity leave commences when a doctor certifies that the employee cannot perform all of the duties of her position assigned by the appointing authority.

SECTION 4: No cash payment may be made for accumulated sick leave, other than an employee who retires in accordance with the corresponding retirement system of the fire or police service.

SECTION 5: Should any absence due to illness or injury of an employee be questioned, the employee maybe required by the appointing authority to submit a doctor's certificate indicating the illness or condition which justified his absence, as well as the probable duration of the illness. For failure to produce a doctor's certificate for any illness when required by the appointing authority will result in the employee being classified as "absent without leave and pay. Should any employee of the classified service abnormally absent himself/herself before or after his/her scheduled days off, or at any other time, he/she maybe required to submit a doctor's certificate should the absence be for only one (1) calendar day.

C. Funeral Leave

SECTION 1: An employee's immediate family is defined to consist of parents, spouse, brother or sister, grandparents, children, and step-children, mother-in-law, father-in-law, grandchildren.

SECTION 2: Funeral leave in the event of an immediate family members death maybe authorized by the appointing authority without loss of pay or leave time not to exceed (3) days, except in extenuating circumstances endorsed by the employee's chief.

SECTION 3: If an employee of the classified service has a death in his immediate family and cannot report for duty, it is his responsibility to notify his supervisor or the person designated by the chief of the department.

D. Examinations

Each employee of the classified service will be granted "leave of absence with pay" to take any local municipal fire and police civil service examination.

Provisional employees are granted "leave of absence with pay" to take a municipal fire and police civil service examination for the class that they hold provisionally.

E. Civil Leave

Each employee of the classified service shall be granted leave of absence with pay when ordered to jury duty, subpoenaed, or otherwise required to appear before a court, public body, board or commission. Civil Leave of Absence with pay may be granted in order to participate in emergency or civilian duty in connection with national

defense or homeland security.

F. Attendance Mandated by Subpoenas

Attendance before any public body, board, court, commission or counsel on departmental business is with pay provided that the attendance is ordered by subpoena or other court order. Should any employee of the classified service be required to be in attendance before any court, board, public body, or commission on his off time, such time shall be compensated at his/her normal rate of pay, or by the rate and means set forth in (RS:13:3662 and RS: 15:255) as related to Witness fees to off-duty law enforcement officers and fire service personnel.

Each civil service board representative of the fire and police department shall be granted leave of absence with pay for the duration of any civil service board meeting, hearing, or to assist with civil service examinations, which the member is required to attend, or other official business of the board.

G. Military Leave with Pay

An employee shall be authorized to take leave without loss of pay, time, or annual leave on all days during which they are ordered to duty with troops or at field exercises, or for instruction required by membership of the Officer Reserve Corps of the Army of the United States, the National Guard of the United States, the Naval Reserve Corps, The Marine Corps Reserve, the Air Force Reserve, the Citizens Military Training Corps, or the Civil Air Patrol, either as officers or enlisted personnel, for a maximum of (15)calendar days in any one Calendar year, as provided by Louisiana Revised Statute(42:394). Each member of the classified service shall give such notice of ordered duty at least thirty(30) days in advance to the chief of the department if known by him. Should the employee be called out on an emergency basis, he should contact his supervisor, the chief of the department, or the person designated by him to receive such notice.

H. Military Leave without Pay

Any member of the classified service who is a member of the National Guard or in the Reserves of the Armed Forces, upon being ordered to active duty, will be carried on military leave without pay until he/she returns to duty. The employee is required to notify the chief of the department or the person designated by him to receive such notice and this board when he receives such notice.

Any member of the classified service who is called into the Armed Forces will be allowed to take whatever annual leave

to which he is entitled.

Provisional employees will not be granted a military leave of absence. They shall be required to resign or be dropped from service.

Any member of the classified service who is a member of the National Guard or in the Reserves of the Armed Forces, upon being ordered to active duty, shall be given any leave due the employee in (Section G.) Should the employee have used all leave to which he is entitled (in Section G), he shall be granted military leave without pay.

I. Personal Time Off

Each member of the classified service may apply to the chief of the department for personal time off when such time off will not exceed two (2) days and no accumulated annual leave has been accrued. This leave is classified as "leave of absence without pay."

Any member of the classified service taking personal time off without applying for same shall be considered as "absent without leave or pay."

J. Annual Leave - Fire and Police

SECTION 1: Each full-time employee of the classified service shall accrue vacation leave at the following rate:

> 6 months	< 3 years	= 3.7 hours per payroll period
> 3 years	< 5 years	= 4.6 hours per payroll period
> 5 years	<10 years	= 5.5 hours per payroll period
>10 years	<15 years	= 6.5 hours per payroll period
>15 years		= 7.4 hours per payroll period

a. Police department employees that are covered by the Fair Labor Standards Act 7K Plan (14 day pay period) shall be increased by 1.05 times to compensate for increased work hours.

b. Fire department employees covered by the Fair Labor Standards Act 7K Plan (27 day pay period) shall be increased by 1.8 times to compensate for increased work hours.

SECTION 2: No cash payment may be made in lieu of a vacation, until such time as the employee is

separated from his/her employment.

SECTION 3: The vacation privileges herein provided for shall not be forfeited by any member of the department for any cause. Employees shall not be required to use their annual vacation time on days that they are not scheduled to work.

SECTION 4: The appointing authority has the right to regulate the time at which any employee is granted annual leave as provided in (R.S. 33:2557.)

K. Enforcement of Rules

Any employee violating any of the rules included in the section shall be subject to discipline and/or dismissal procedures.

L. Family Medical Leave

Each full-time employee of the classified service after having served one (1) year, shall be entitled up to twelve (12) weeks of unpaid leave, without credit for departmental seniority when appropriate documentation is supplied to the Appointing Authority for those reasons provided by Public Law 103-3 (Family and Medical Leave Act of 1993) and (La:RS:23:341-342).

An employee will be required to first exhaust any or all compensatory time and any or all accumulated leave time before being granted unpaid leave without seniority.

M. Holiday Pay

Each member of the classified service who's work assignment be such that the employee is required to work on any of the following legal holidays, the employee will be paid (2) two hours of compensation for each hour he/she actually works on the holiday.

The governing authority, at its option, may grant employees time off from work for which such additional compensation would be due and payable.

Employees who take off on legal holidays, to which they would receive holiday pay, shall not be docked accumulated annual leave or compensatory time. i.e., An employee who takes off a 12-hour shift on a holiday, to which he/she would have received 12 hours of regular pay and 12 hours of holiday pay, may only be docked 12 hours of holiday pay.

New Years Day, Martin Luther King Jr. Day, Mardi Gras, Good Friday, Independence Day, Memorial Day, Labor Day, Veteran's Day, Thanksgiving Day, Day after Thanksgiving, Christmas Day and any other day determined by the governing authority.

N. Specialized Disaster Service Volunteer

Any employee who is trained as a disaster first responder or volunteer of the American Red Cross, or other disaster team pursuant to an operations plan of the Governor's Office of Homeland Security and Emergency Preparedness may be granted by the appointing authority leave from his regular work assignments, with pay, and without loss of seniority, annual leave, sick leave, or earned overtime or compensatory time accumulation, for any period not to exceed fifteen (15) work days in any twelve(12) month period, to participate in specialized disaster relief services for disaster designated at (Level III or above) in the American Red Cross Regulations and Procedures.(RS:23:1017.2-3)

O. Special Leave

If an employee has exhausted all annual leave, he/she may apply and be granted by the appointing authority special leave without pay up to (30) days by the appointing authority when such leave would be in the departmental interest. Any Special leave, with or without pay, exceeding (30) days must be first Approved by the civil service board, and if approval is granted, the board will at the time determine if departmental seniority is to be interrupted or continued.

P. Administrative Leave

The appointing authority may grant administrative leave with pay for periods not to exceed (60) days when circumstances develop that would warrant the removal of an employee from the department without disadvantage to the employee in order for the appointing authority to conduct an investigation concerning the conduct of the employee or as may be otherwise required under department policies and procedures.

This period may not be extended beyond (60) days except as may be provided under R.S. 33:2186, and 40:2531.1.b(7) At the end of the (60)day period, or of its lawful extension, or at the completion of the investigation, whichever occurs first administrative leave shall be terminated.

Q. Absent Without Leave (AWOL)

Any employee who fails to report for duty upon the expiration of any authorized leave will be considered to be absent without leave and pay, and shall be subject to disciplinary action, up to and including termination.

R. Light Duty

Any permanent employee who is unable to perform the duties of his/her classification within the classified service due to a warranted illness or medical disability, may be placed on light duty by the appointing authority for a period not to exceed (6) months

The appointing authority shall have discretion, to the placement and duties assigned to employees granted light duty, as to how the employee can best serve in his/her department's interest.

Nothing herein shall prohibit the appointing authority from denying light duty to an employee who fails to show a warranted need. A light duty position is unavailable at the time of the request, or it is an injury or illness to which the employee will be unable to return to full duty status.

RULE XIII

A. Rights and Privileges

All employees of the Classified Service shall serve and execute his/her office in accordance with the Municipal Fire and Police Civil Service Law, Classification plan, and departmental policies. Employees shall exercise all duties, rights and privileges thereof without burden of reprisal, favoritism, or discrimination.

B. Prohibition against quotas

No employee of the Classified Service shall be burdened, pressured with or influenced by number requirements (quotas) of enforcement actions in relation to arrest, summons(s), or tickets of traffic violations. All enforcement actions will be accomplished in a firm, fair, impartial, manner without favoritism or

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discrimination.(Louisiana Revised Statute 40:2401.1)

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